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Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

June 9, 2012

**Re: Creation of a Low Power Radio Service (MM Docket 99-25), Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations (MB Docket 07-172, RM-11338).**

Dear Ms. Dortch

In this ECFS submission, REC is refilling our opposition to the Petitions for Reconsideration in the above captioned proceeding. We believe that our previous filing in this matter was premature. With this submission being filed after the publication of the Public Notice in the Federal Register, we ask that the Commission consider our filing to be considered timely.

We are also enclosing additional supplemental material to support the REC counterproposal presented in our filing which includes the three criteria proposed by Hope Christian Church of Marlton, Inc., Bridgelight, LLC and Calvary Chapel of the Finger Lakes, LLC ("Hope Petitioners"):

- The 60dBu contour of the translator station would not overlap the 60dBu contour of any commonly controlled application,
  - The application will not preclude the approval of a future LPFM application in the grid or at the proposed facility's transmitter site, and
  - The applicant agrees to accept a condition on its construction permit that disallows the sale of the authorization for a profit for four (4) years after the facility commences on air operations
- and the three conditions proposed by REC:
- The applicant agrees to accept a condition on its construction permit that for a four (4) year period after the facility commences on-air operations, the primary station that the translator is broadcasting must be commonly-owned by the licensee of the FM translator and is limited to the primary analog output of such primary station,
  - The 60dBu contour may not overlap:
    - A 30 km radius around markets 1 through 20,
    - A 20 km radius around spectrum limited markets 21 through 50, and
    - A 10 km radius around spectrum limited markets 51 through 100.

- Applications grantable under this waiver must also comply with the national cap of pending 50 applications.

Based on these parameters, REC was able to identify the disposition of 6,297 pending applications in Auction 83. Under REC's counter-proposal, approximately 45% of the pending Auction 83 applications would be eligible to move forward to MX settlement and comparative review/auction.

REC feels that the waiver criteria proposed by the Hope Petitioners and counter-proposed by REC strikes an acceptable balance between assuring that translator applicants who had no intention to transfer or lease their authorizations can construct translators in order to add some additional diversity to rural areas that may only currently receive minimal FM services. As long as these waivers are not available in the metropolitan core areas as proposed by REC, these waivers would not undermine the Local Community Radio Act and they would not undermine the Commission's need to address the speculative and excessive filings made during the 2003 Auction 83 window.

Attached, REC also includes a listing of all parties who still have pending applications and we have also provided a detailed listing of applications and our proposed disposition under this proposed handling process.

We have had no contact with any of the parties involved but we do feel that allowing these limited waivers in rural areas make sense and we will support it.

Sincerely,



Michelle A. Eyre  
Founder, REC Networks

Attachments